

Civil Action No. 5:21-cv-0882

EXHIBIT A

150th District Court

Case Summary

Case No. 2021CI16813

Sandra Guerra VS Humana ET AL

§
§
§Location: 150th District Court
Judicial Officer: 150th, District Court
Filed on: 08/18/2021

Case Information

Case Type: EMPLOYMENT-
DISCRIMINATION

Case Status: 08/18/2021 Pending

Assignment Information

Current Case Assignment

Case Number 2021CI16813

Court 150th District Court

Date Assigned 08/18/2021

Judicial Officer 150th, District Court

Party Information

Lead Attorneys

Plaintiff Guerra, Sandra

RUIZ, MAURO F
Retained

Defendant Humana

Humana Government Business Inc

Events and Orders of the Court

08/18/2021 New Cases Filed (OCA)

08/18/2021 REQUEST FOR SERVICE AND PROCESS

08/18/2021 APPLICATION

08/18/2021 JURY FEE PAID

08/31/2021 Citation

Humana

Unserved

Humana Government Business Inc

Unserved

09/07/2021 EMAILED REQUEST/RECORDING DEPT FROM
PATRICK DANNER FROM SA EXPRESS NEWS RE: ALL EXHIBITS FROM PETITION09/07/2021 EMAILED COPY OF:
ALL EXHIBITS TO PATRICK DANNER FROM SA EXPRESS NEWS

FILED
3/18/2021 10:57 AM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Martha Medellin

2021CI16813

CAUSE NO: _____

SANDRA GUERRA	§	IN THE _____ DISTRICT COURT
	§	
v.	§	
	§	Bexar County - 150th District Court
HUMANA and HUMANA	§	
GOVERNMENT BUSINESS, INC. d/b/a	§	
HUMANA	§	OF BEXAR COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION WITH DISCOVERY REQUESTS
& JURY DEMAND**

NOW COMES, SANDRA GUERRA, herein, and files this, her Original Petition With Discovery Requests & Jury Demand, and would show unto the court as follows:

Section 1

Discovery Control Plan

1.01 This case is filed pursuant to Section 190.4 (Level 3) of the Texas Rules of Civil Procedure.

Section 2

Parties

2.01 Plaintiff, **SANDRA GUERRA**, (hereinafter "Dr. Guerra" or "Plaintiff") is a resident of San Antonio, Bexar County, Texas.

2.02 Defendant, **HUMANA** (hereinafter referred to as "Humana" or "Employer" or "Defendant") is a foreign corporation that does business in the State of Texas and can be served with process by serving:

**Jennifer Starr
Humana Government Business, Inc.
500 W. Main Street
Louisville, KY 40202**

2.03 Defendant, **HUMANA GOVERNMENT BUSINESS, INC. d/b/a HUMANA**, is a foreign corporation that does business in the State of Texas, and may be served in its assumed named pursuant to Tex. R. Civ. Proc. 28 as follows:

**Corporation Service Company
211 E. 7th Street, Suite 620
Austin, Texas 78701-3218**

Section 3

Jurisdiction & Venue

3.01 The incident made the basis of this lawsuit occurred in San Antonio, Bexar County, Texas. As such, jurisdiction and venue are proper in Bexar County.

3.02 Plaintiff seeks to recover all of her damages in an amount which the jury determines to be just and appropriate, based on the jury's discretion and judgment in its role as the trier of fact. In order to comply with the Supreme Court's requirement to state the range of damages, pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff pleads that she anticipates (at this time) that the amount of damages she will request the jury to assess at trial will be more than \$250,000.00 but not more than \$1 million.

3.03 Based on section **3.02**, Plaintiff anticipates she will be entitled to recover punitive damages in this case. Punitive damages are recoverable for willful violations of the Texas Human Rights Act. See Tex. Lab. Code 21.2585 (d). The termination of Dr. Guerra, a long-term Humana employee, was an adverse employment action motivated by malice and/or reckless indifference to Dr. Guerra's state-created rights under the Texas Human Rights Act as more fully shown below.

Section 4

Exhaustion of Administrative Remedies

4.01 Plaintiff timely filed a Charge of Discrimination with the Texas Workforce Commission Civil Rights Division on or about July 21, 2020. See **Exhibit A**.

4.02 On or about July 8, 2021, Plaintiff received the Dismissal and Notice of Right to File a Civil Action from the Texas Workforce Commission Civil Rights Division. See **Exhibit B**.

Section 5

Factual Allegations

5.01 Plaintiff, Sandra Guerra, is a medical doctor ("Dr. Guerra").

5.02 She is a United States citizen of Mexican-American descent.

5.03 Defendant hired Dr. Guerra in 2012.

5.04 When last employed by Defendant, Dr. Guerra's title was Vice-President/Chief Medical Officer.

5.05 Dr. Guerra was employed by Defendant for over 8 years.

5.06 Plaintiff was terminated for a false reason, falsely accused by ("Matthew Stiner") a subordinate of harassment.

5.07 Coincidentally, Matthew Stiner, a white male, was written-up/reprimanded by Dr. Guerra just several days **before** he first raised false allegations of harassment against Dr. Guerra.

5.08 The false allegations lodged by Matthew Stiner against Dr. Guerra were retaliatory.

5.09 Dr. Guerra had no negative human resources complaints or violations.

5.10 In fact, her work performance was evaluated as excellent by her supervisors.

5.11 Unlike Dr. Guerra, white male executives were treated more fairly by Defendant.

5.12 Eric Lisle, Vice President of Humana, sexually harassed females. Mr. Lisle was given the option to voluntarily separate rather than face an adverse personnel action.

5.13 Phil White, Chief Operating Officer for Humana was laterally transferred despite poor work performance. Mr. White did not suffer an adverse personnel action.

5.14 Neil Mullany, Vice President/Chief Operating Officer for Humana, over paid and under paid providers. Humana was penalized in the millions of dollars. Mr. Mullany did not suffer any adverse employment action based on penalties in the millions of dollars.

5.15 Alan Wheatly, Senior Vice President of Humana, engaged in sexual harassment/relations with a subordinate and was later beaten up by the woman's husband in front of the Humana tower in Louisville, Kentucky. Mr. Wheatly suffered no adverse personnel action. In fact, he was promoted.

5.16 Dr. Guerra was replaced by white males. Dr. Guerra's job duties were split between **Robert Johnson** and **Joseph Kennedy**.

5.17 Dr. Guerra's termination was pretextual.

5.18 Defendant's motivation for terminating Dr. Guerra, on February 18 2020, was motivated by unlawful discrimination (color, national origin and sex) in violation of Chapter 21 of the Texas Labor Code.

Section 6

Causes of Action

6.01 Texas Labor Code Chapter 21. Plaintiff asserts that Defendant violated Chapter 21 of the Texas Labor Code in that her termination was motivated by unlawful discrimination.

6.02 Plaintiff seeks compensatory under Chapter § 21.2585 of the Texas Labor Code. Furthermore, Plaintiff seeks costs, attorney's fees, including compensation for reasonable expert fees, under Chapter § 21.259 of the Texas Labor Code.

6.03 Plaintiff asserts claims under the Texas Labor Code exclusively. Plaintiff does not assert claims under federal statute, the code of federal regulations or the United States constitution.

Section 7

Controlling Authority

7.01 An employer commits an unlawful employment practice if because of *race*, ***color***, disability, religion, ***sex***, ***national origin***, or age the employer:

(1) fails or refuses to hire an individual, discharges an individual, or discriminates in any other manner against an individual in connection with compensation or the terms, conditions, or privileges or employment; or

(2) limits, segregates, or classifies an employee or applicant for employment in a manner that would deprive or tend to deprive an individual of any employment opportunity or adversely affect in any other manner the status of an employee.

Section 8

Damages

8.01 As a result of acts and/or omissions as set forth above, Plaintiff sustained the following damages, including but not limited to:

- (a) Back Pay;
- (b) Interest on back pay;

- (c) Compensatory damages, including future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses;
- (d) Punitive damages;
- (e) Front Pay;
- (f) Interest on Front Pay;
- (g) Pre-judgment interest;
- (h) Post-judgment interest;
- (i) Cost of court/suit;
- (j) Reasonable expert fees; and
- (k) Attorney's fees.

Section 9

Jury Demand

9.01 Plaintiff demands a trial by jury herein.

Section 10

Number of Employees

10.01 Defendant employs more than 500 employees.

Section 11

Exhibits

11.01 Plaintiff attaches the following exhibits to her Original Petition:

EXHIBIT A Employment Discrimination Complaint Form;

EXHIBIT B Dismissal and Notice of Right to File a Civil Action; and

EXHIBIT C Plaintiff's First Set of Discovery Requests (Interrogatories, Requests for Production, Requests for Admission & Requests for Disclosure) to Defendant.

Section 12

Prayer

12.01 WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant, **HUMANA**, be cited to appear and answer in this cause, and that upon final trial hereof, Plaintiff recovers judgment against Defendant for her actual damages in amounts within the jurisdictional limits of this Court, for all damages respectively sustained by her as set forth above together with pre-judgment interest thereon at the maximum legal or equitable rate; for post-judgment interest on the amount of the judgment at the maximum rate allowed by law; for recovery of costs of court; and for such other and further relief, at law or in equity, to which she may show herself justly entitled.

Respectfully submitted,

RUIZ LAW FIRM, P.L.L.C.

118 West Pecan Blvd.

McAllen, Texas 78501

Telephone: (956) 259-8200

Telecopier: (956) 259-8203

/s/ Mauro F. Ruiz

Mauro F. Ruiz

State Bar No.: 24007960

e-File ONLY: admin@mruizlaw.com

mruiz@mruizlaw.com

ATTORNEY FOR PLAINTIFF

MAURO F. RUIZ
ATTORNEY AT LAW
MRUIZ@MRUIZLAW.COM



RUIZ LAW FIRM

118 W. PECAN BLVD.
MCALLEN, TEXAS 78501

TEL. (956) 259-8200
FAX. (956) 259-8203

July 21, 2020

Via CM 7018 0680 0000 0868 5467, RRR

TEXAS WORKFORCE COMMISSION
CIVIL RIGHTS DIVISION
101 East 15th St., Room 144T
Austin, Texas 78778-0001

Re: Employer: Humana
Claimant: Sandra Guerra



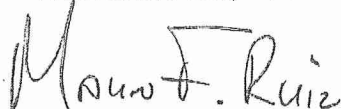
Dear Sir/Madam:

Enclosed please find the fully executed intake Questionnaire regarding the above matter.

Should you need any additional information, please do not hesitate to call me.

Sincerely,

RUIZ LAW FIRM, P.L.L.C.


Mauro F. Ruiz

MFR/hlm
Enclosure


U.S. Postal Service[®]
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

7018 0680 0000 0868 5467

Certified Mail Fee	\$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	
Postage	\$	
Total Postage and Fees	\$ 6.90	
Sent to TWCCRD		
Street and Apt. No., or PO Box No.		
City, State, ZIP+4 [®]	Austin, TX 78778	

PS Form 3800, April 2015 PSN 7530-02-000-9053 See Reverse for Instructions

SENDER, COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY		
<p><input checked="" type="checkbox"/> Complete items 1, 2, and 3.</p> <p><input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</p> <p><input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>Article Addressed to:</p> <p>Texas Workforce Commission Civil Rights Division 101 East 15th St., Guadalupe CRD Austin, Texas 78778-0001</p> <p> 9590 9402 3706 7335 4955 69</p> <p>2. Article Number (Transfer from service label) 7018 0680 0000 0868 5467</p>	<p>A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No Texas Workforce Commission 101 E. 15th Street, Austin, TX 78778 JUL 27 2020</p> <p>3. Service Type</p> <table border="0"> <tr> <td> <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail[®] <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) </td> <td> <input type="checkbox"/> Priority Mail Express[®] <input type="checkbox"/> Registered Mail[™] <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation[™] <input type="checkbox"/> Signature Confirmation Restricted Delivery </td> </tr> </table>	<input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail [®] <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	<input type="checkbox"/> Priority Mail Express [®] <input type="checkbox"/> Registered Mail [™] <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation [™] <input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail [®] <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	<input type="checkbox"/> Priority Mail Express [®] <input type="checkbox"/> Registered Mail [™] <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation [™] <input type="checkbox"/> Signature Confirmation Restricted Delivery		

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

EMPLOYMENT DISCRIMINATION COMPLAINT FORM Texas Workforce Commission Civil Rights Division Please return this form by: Mail: 101 East 15th Street, Guadalupe CRD, Austin, TX 78778-0001 Email: LEOIntake@twc.state.tx.us Telephone: (888) 452-4778 <i>or</i> Fax: (512) 482-8465 (Please include a cover sheet with your name and the total # of pages)		TWCCRD# _____ EEOC# _____
<i>Please indicate if you have previously filed this complaint with any of the agencies below:</i> <input type="checkbox"/> Texas Workforce Commission Civil Rights Division (TWCCRD) <input type="checkbox"/> Equal Employment Opportunity Commission (EEOC) <input type="checkbox"/> City of Austin Equal Employment and Fair Housing Office <input type="checkbox"/> Corpus Christi Human Relations Division <input type="checkbox"/> Fort Worth Human Relations Department	DATE RECEIVED (For Office Use Only):	
Please be sure you provide all the information requested. For Assistance, send an E-mail to EEOIntake@twc.state.tx.us or call us at (888) 452-4778. (Ofrecemos asistencia en Español)		
Complainant Full Name: Sandra Guerra Address Line 1: 410 E. Rosewood Ave. Address Line 2: City/State/Zip: San Antonio, Texas 78212 Home Phone #: Other Phone #: Email:	Complainant Representative (Optional): <i>(If you are represented by an attorney, please have them submit a letter of representation):</i> Mauro F. Ruiz and Ruiz Law Firm, PLLC Address Line 1: 118 W. Pecan Blvd. Address Line 2: City/State/Zip: McAllen, Texas 78501 Phone #: (956) 259-8200 Fax #: (956) 259-8203	
Preferred Form of Contact: (Please check) <input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> Telephone	mruiz@mruizlaw.com & tbelez@mruizlaw.com	
Date Hired: 10/2012 Position held: V.P. Chief Medical Officer Still employed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	HR Personnel Officer/EEO Officer/or Highest Ranking Officer on work site: Ricky Edwards	
Name of Employer <i>(Please be sure to give the complete Company name and address where you physically worked)</i> Humana	15 or more employees: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Company Address Address Line 1: 8123 Datapoint Address Line 2: City/State/Zip: San Antonio, Texas 78229 Phone #: (502) 318-9457	Company Officer Address Address Line 1: Address Line 2: City/State/Zip: Louisville, Kentucky Phone #: (502) 714-4429	
BASIS: I believe I have been discriminated against in violation of state law (Texas Labor Code, Chapter 21) and federal law (ADEA, GINA, Title VII, ADA-AA), as follows:	<input type="checkbox"/> Age <i>(You must be 40 years of age or older to qualify):</i> Date of Birth: ____/____/____ Month/day/year Age at time of incident: ____	<input checked="" type="checkbox"/> Color <i>(Based on skin color):</i> <input type="checkbox"/> Black <input checked="" type="checkbox"/> Brown <input type="checkbox"/> White <input type="checkbox"/> Other:
<input type="checkbox"/> Disability: <input type="checkbox"/> Disabled <input type="checkbox"/> History of disability <input type="checkbox"/> Regarded as disabled <i>(Pregnancy is NOT a disability unless you are regarded as disabled.)</i>	<input type="checkbox"/> Race: <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> Other:	
Please mark <u>only</u> the basis you believe were the reasons you were discriminated.	<input type="checkbox"/> GINA <i>(Genetic Information Non-discrimination Act)</i>	<input checked="" type="checkbox"/> National Origin: <input type="checkbox"/> African-American <input type="checkbox"/> Anglo/Caucasian <input type="checkbox"/> East Indian <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Mexican <input type="checkbox"/> Other:
EXAMPLE: If your treatment was because of your race, then check only the box by your race.	<input type="checkbox"/> Religion: <input type="checkbox"/> Baptist <input type="checkbox"/> Catholic <input type="checkbox"/> Jewish <input type="checkbox"/> Muslim <input type="checkbox"/> Other:	<input checked="" type="checkbox"/> Sex: <input checked="" type="checkbox"/> Female <input type="checkbox"/> Female/Pregnancy <input type="checkbox"/> Male
<input type="checkbox"/> Retaliation: <input type="checkbox"/> Assisted another filing discrimination <input type="checkbox"/> Filed a complaint of discrimination <input type="checkbox"/> Participated in discrimination investigation. ON THIS DATE: ____/____/____ Month/day/year		

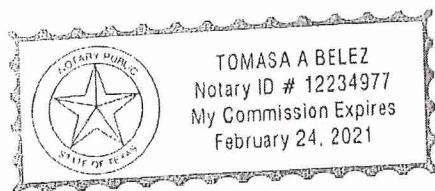
Employment Harms or Actions (Mark all that apply)		
<input type="checkbox"/> Demotion (D1) <input checked="" type="checkbox"/> Discharge (D2) <input type="checkbox"/> Discipline (D3) <input type="checkbox"/> Harassment (H1) <input type="checkbox"/> Hiring (H2)	<input type="checkbox"/> Layoff (L1) <input type="checkbox"/> Promotion (P3) <input type="checkbox"/> Reasonable Accommodation (R6) <input type="checkbox"/> Severance Pay (B5) <input type="checkbox"/> Sexual Harassment (S4)	<input type="checkbox"/> Suspension (S5) <input type="checkbox"/> Terms & Conditions (T2) <input type="checkbox"/> Training (T4) <input type="checkbox"/> Wages (W1) <input type="checkbox"/> Other:
The following questions are regarding the employment harms or actions taken against you. (Each incident must be within <u>180 days</u> of the date you submit your complaint to the TWCCRD.)		
DATE(S) DISCRIMINATION TOOK PLACE (Month/Day/Year) Earliest (Month/Day/Year) <u>2 / 18 / 2020</u> Latest (Month/Day/Year) <u>2 / 18 / 2020</u> <input type="checkbox"/> CONTINUING ACTION		
Name and Position Title of person(s) who did the harm: Brent Densford - Senior VP Humana		(If filing under race, color, national origin, religion, sex, age, please provide the race, color, national origin, religion, sex, or age of the person(s) discriminating against you:) White male
Did you complain of discrimination to your employer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, date of complaint: ____ / ____ / ____ (Month/Day/Year) Name and Position Title of person(s) you complained to:		
Explain why you believe the employment harm(s) and/or action(s) were discriminatory: I was terminated by a white male, Brent Densford, for a false reason. I was falsely accused of harassment. The alleged false complaint against me was retaliatory and made by an associate who I had disciplined three (3) days earlier. I was the only Hispanic female vice president, and progressive discipline was not afforded to me in violation of the Humana policy. I do not believe a thorough investigation was performed. A White Anglo male associate made stereotypical comments about women and Hispanics. He was not investigated or terminated. I was replaced by White Anglo males: 1) Dr. Robert Johnson (White Anglo Male): assigned 1/2 of Dr. Guerra's job duties/position and 2) Joseph "Joe" Kennedy (White Anglo Male): assigned 1/2 of Dr. Guerra's job duties/position		
Employer's reason for its action: Alleged inappropriate relationship and inappropriate communication with an associate.		
Are there other employees treated more fairly than you? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please provide the information below:		
Full Name and Position Title	(If filing under race, color, national origin, religion, sex, and/or age, please provide the race, color, national origin, religion, sex, or age of the person(s) treated more fairly than you.)	
1) Tray Cockrell: The family of Tray Cockrell, Chief of Staff for Humana, was committing fraud on the TRICARE program which is managed by Humana for the U.S. Government. Tray Cockrell was not investigated by Humana nor did he suffer any adverse employment action.		
2) Neil Mullany: Vice President/Chief Operating Officer for Human Military. Over paid and under paid providers. We were penalized in the millions of dollars. He did not suffer any adverse employment action. Mullany's team overcharged insureds' bank accounts for medical premiums because of clerical errors, causing overdrafts and other disruptions to insureds.		
3) Eric Lisle: Vice President. Sexually harassed females. He was given the option to voluntarily separate rather than face an adverse personnel action.		
4) Phil White: Chief Information Officer for Humana. He was laterally transferred despite poor work performance. Did not suffer an adverse personnel action.		
5) Alan Wheatly: Senior Vice President of Human. Engaged in sexual harassment/relations with a subordinate and was later beaten up by woman's husband in front of Humana tower in Louisville, Kentucky. He suffered no adverse personnel action. In fact, he was promoted.		

BEFORE ME, the undersigned authority, on this day personally appeared Sandra Guerra, who being duly sworn stated:

My name is Sandra Guerra. I am over the age of twenty-one (21). I am of sound mind and fully capable of making this verification. I verify that the factual information contained in this Employment Discrimination Complaint Form (Form 1000) is both true and correct.

Affiant further sayeth not.

SUBSCRIBED AND SWORN TO BEFORE ME on the 21st day of July 2020, to certify which witness my hand seal of office.



T. Belez
Notary Public, State of Texas

What are you seeking as a resolution to your case?

Monetary relief.

What is the most convenient method to contact you:

☒ Email: mruiz@mruizlaw.com & tbelez@mruizlaw.com ☒ Telephone: (956) 259-8200

Sandra Guerra

Signature

7.21.2020

Date

PRIVATE PROCESS

Case Number: 2021CI16813

Sandra Guerra VS Humana ET AL
 (Note: Attached Document May Contain Additional Litigants)

IN THE 150TH DISTRICT COURT
 BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: **HUMANA GOVERNMENT BUSINESS INC**
DBA HUMANA
BY SERVING CORPORATION SERVICE COMPANY

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00am on the Monday next following the expiration of twenty days after you were served this CITATION and PETITION a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org" Said **ORIGINAL PETITION WITH DISCOVERY REQUESTS & JURY DEMAND** was filed on this the 18th day of August, 2021.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT on this the 31st day of August, 2021.

MAURO F RUIZ
ATTORNEY FOR PLAINTIFF
118 W PECAN BLVD
MCALLEN TX 78501



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: /s/ Leticia Leija
Leticia Leija, Deputy

SANDRA GUERRA VS HUMANA ET AL

Case Number: 2021CI16813
 150th District Court

Officer's Return

I received this CITATION on the _____ day of _____, 20____ at _____ o'clock ____ M. and () executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION WITH DISCOVERY REQUESTS & JURY DEMAND the date of delivery endorsed on it to the defendant _____ in person on the _____ day of _____, 20____ at _____ o'clock ____ M. at _____ or () not executed because _____.

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____, County, Texas
 BY: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, A.D., _____.

Declarant

PRIVATE PROCESS

Case Number: 2021CI16813

Sandra Guerra VS Humana ET AL
(Note: Attached Document May Contain Additional Litigants)

IN THE 150TH DISTRICT COURT
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: **HUMANA**
BY SERVING JENNIFER STARR

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00am on the Monday next following the expiration of twenty days after you were served this CITATION and PETITION a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org" Said **ORIGINAL PETITION WITH DISCOVERY REQUESTS & JURY DEMAND** was filed on this the 18th day of August, 2021.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT on this the 31st day of August, 2021.

MAURO F RUIZ
ATTORNEY FOR PLAINTIFF
118 W PECAN BLVD
MCALLEN TX 78501



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: /s/ Leticia Leija
Leticia Leija, Deputy

SANDRA GUERRA VS HUMANA ET AL

Case Number: 2021CI16813
150th District Court

Officer's Return

I received this CITATION on the _____ day of _____, 20____ at _____ o'clock ____ M. and () executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION WITH DISCOVERY REQUESTS & JURY DEMAND the date of delivery endorsed on it to the defendant _____ in person on the _____ day of _____, 20____ at _____ o'clock ____ M. at _____ or () not executed because _____.

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____, County, Texas
BY: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, A.D., _____.

Declarant

DocuSign Envelope ID: E5BD1591-85FF-4FF0-9CD9-579CC369CF1A



Sandra Guerra
 c/o Mauro Ruiz
 RUIZ LAW FIRM PLLC
 118 West Pecan Blvd.
 McAllen, TX 78501



NOTICE OF DISMISSAL AND RIGHT TO FILE CIVIL ACTION

Sandra Guerra v. HUMANA

TWCCRD Charge No. 1A21379	EEOC Charge No. 31C-2021-00331	TWCCRD Representative: Marvin Chaney
-------------------------------------	--	--

The Civil Rights Division has dismissed this Charge and is closing its file for the following reason:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the TWCCRD.
- ☐ Your allegations did not involve a disability that is covered by the Americans with Disabilities Act or the Texas Labor Code, Chapter 21.
- ☐ The Respondent employs less than the required number of employees or not otherwise covered by the statutes.
- ☐ We cannot investigate your charge because it was not filed within the time limits required by law.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You had 30 days to accept a reasonable settlement offer that afforded full relief for the harm you alleged. You failed to accept the full relief.
- ☐ The TWCCRD issues the following determination: Based upon its investigation, the TWCCRD is unable to conclude that the information obtained establishes any violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☒ **Complainant's attorney requested a Notice of Right to File Civil action.**

DocuSign Envelope ID: E5BD1591-85FF-4FF0-9CD9-579CC369CF1A

Sandra Guerra v. HUMANA
TWCCRD Charge No: 1A21379
EEOC Charge No. 31C-2021-00331

NOTICE OF RIGHT TO FILE CIVIL ACTION

Pursuant to Sections 21.208, 21.252 and 21.254 of the Texas Labor Code, as amended, this notice is to advise you of your right to bring a private civil action in state court in the above referenced case. **PLEASE BE ADVISED THAT YOU HAVE SIXTY (60) DAYS FROM THE RECEIPT OF THIS NOTICE TO FILE THIS CIVIL ACTION.** The time limit for filing suit based on a federal claim may be different.

EEOC REVIEW NOTICE:

As your charge was dual filed under Title VII of the Civil Rights Act/Age Discrimination in Employment Act/Americans with Disabilities Act, which are enforced by the U.S. Equal Employment Opportunity Commission (EEOC), you have the right to request an EEOC review of this final decision on your case. **To secure a review, you must request it in writing within fifteen (15) days from the date of the notice.** Send your request to: San Antonio EEOC, 5410 Fredericksburg Road, Suite 200, San Antonio, TX 78229.

On behalf of the Division

Lynda Pringle for Bryan Snoddy

7/8/2021

Bryan Snoddy
Division Director

Date

cc: HUMANA GOVERNMENT BUSINESS, INC
Jennifer Starr
500 W. Main Street
Louisville, KY 40202

DocuSign

Certificate Of Completion

Envelope Id: E5BD159185FF4FF09CD9579CC369CF1A
 Subject: 2021-07-08 Guerra NRCA 31C-2021-00331.pdf
 docSeqId:
 docType:
 Source Envelope:
 Document Pages: 2
 Certificate Pages: 5
 AutoNav: Enabled
 EnvelopeId Stamping: Enabled
 Time Zone: (UTC-06:00) Central Time (US & Canada)

Status: Sent

Envelope Originator:
 Lynda Pringle
 101 E. 15th Street, Room 0154-B
 Austin, TX 78778
 lynda.pringle@twc.state.tx.us
 IP Address: 204.65.0.20

Record Tracking

Status: Original
 7/8/2021 4:34:15 PM
 Security Appliance Status: Connected
 Storage Appliance Status: Connected

Holder: Lynda Pringle
 lynda.pringle@twc.state.tx.us
 Pool: StateLocal
 Pool: Texas Workforce Commission- Production
 Account

Location: DocuSign

Location: DocuSign

Signer Events

Lynda Pringle for Bryan Snoddy
 lynda.pringle@twc.state.tx.us
 Investigator
 Texas Workforce Commission
 Security Level: Email, Account Authentication
 (None)

Signature*Lynda Pringle for Bryan Snoddy*

Signature Adoption: Pre-selected Style
 Using IP Address: 172.20.139.20

Timestamp

Sent: 7/8/2021 4:36:49 PM
 Viewed: 7/8/2021 4:37:00 PM
 Signed: 7/8/2021 4:37:14 PM

Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

In Person Signer Events**Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp**

Mauro Ruiz
 mruiz@mruizlaw.com
 Owner

Security Level: Email, Account Authentication
 (None)

Using IP Address: 71.40.254.170

VIEWED

Sent: 7/8/2021 4:37:17 PM
 Viewed: 7/8/2021 4:52:03 PM

Electronic Record and Signature Disclosure:
 Accepted: 7/8/2021 4:52:03 PM
 ID: c890b81a-b3a3-4da1-b201-e16c78226d95

Jennifer Starr

Sent: 7/8/2021 4:52:04 PM

jstarr2@humana.com

Security Level: Email, Account Authentication
 (None)

Electronic Record and Signature Disclosure:

Accepted: 12/28/2020 8:14:16 AM
 ID: 0e69516c-52bd-4392-98d3-fbfeaae5984e

Carbon Copy Events

Venessa Hernandez
venessa.hernandez@twc.state.tx.us
Administrative Assistant

Texas Workforce Commission

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Status

COPIED

Timestamp

Sent: 7/6/2021 4:37:16 PM

Witness Events

Signature

Timestamp

Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

Envelope Sent
Signing Complete

Hashed/Encrypted
Security Checked

7/8/2021 4:36:49 PM
7/8/2021 4:37:14 PM

Payment Events

Status

Timestamps

Electronic Record and Signature Disclosure

Electronic Record and Signature Disclosure created on: 7/13/2017 5:20:33 PM
Parties agreed to: Mauro Ruiz, Jennifer Starr

CONSUMER DISCLOSURE

From time to time, Carahsoft obo Texas Workforce Commission (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign, Inc. (DocuSign) electronic signing system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the "I agree" button at the bottom of this document.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after signing session and, if you elect to create a DocuSign signer account, you may access them for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign "Withdraw Consent" form on the signing page of a DocuSign envelope instead of signing it. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures

electronically from us.

How to contact Carahsoft obo Texas Workforce Commission:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: heather.hall@twc.state.tx.us

To advise Carahsoft obo Texas Workforce Commission of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at heather.hall@twc.state.tx.us and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc. to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in the DocuSign system.

To request paper copies from Carahsoft obo Texas Workforce Commission

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to heather.hall@twc.state.tx.us and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Carahsoft obo Texas Workforce Commission

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to heather.hall@twc.state.tx.us and in the body of such request you must state your e-mail, full name, US Postal Address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari®, 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	Allow per session cookies

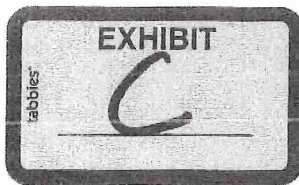
** These minimum requirements are subject to change. If these requirements change, you will be asked to re-accept the disclosure. Pre-release (e.g. beta) versions of operating systems and browsers are not supported.

Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the "I agree" button below.

By checking the "I agree" box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC CONSUMER DISCLOSURES document; and
- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify Carahsoft obo Texas Workforce Commission as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by Carahsoft obo Texas Workforce Commission during the course of my relationship with you.



CAUSE NO. _____

SANDRA GUERRA

v.

HUMANA and HUMANA
GOVERNMENT BUSINESS, INC. d/b/a
HUMANA

§
§
§
§
§
§

IN THE _____ DISTRICT COURT

OF BEXAR COUNTY, TEXAS

**PLAINTIFF'S FIRST SET OF DISCOVERY REQUESTS
(INTERROGATORIES, REQUESTS FOR PRODUCTION, REQUESTS FOR
ADMISSIONS & INITIAL DISCLOSURES) TO DEFENDANT**

TO: HUMANA, Defendant in the above-styled and numbered cause.

Pursuant to the Texas Rules of Civil Procedure, Plaintiff serves these Interrogatories, Requests for Production, Requests for Admissions and Requests for Disclosures upon you. The answers to interrogatories shall be made under oath, separately and fully in writing and the responses request for production shall be made, within fifty (50) days after the service of such interrogatories, requests for production, requests for admissions and requests for disclosures shall be served on the undersigned counsel of record. Plaintiff also requests that Defendant continue to supplement its responses to these discovery requests as per the Texas Rules of Civil Procedure.

EACH OF THE FOLLOWING INTERROGATORIES AND REQUEST FOR PRODUCTION SHALL INCORPORATE THE FOLLOWING DEFINITIONS:

DEFINITIONS: These definitions shall have the following meanings, unless the context requires otherwise:

1. "Plaintiff," or "Sandra Guerra" means Sandra Guerra, her agents, representatives, and all other persons acting in concert with her, or under her control, whether directly or indirectly, including any attorney.
2. "Defendant," "Humana", means Humana, it's agents, representatives, and all other persons acting in concert with it, or under it's control, whether directly or indirectly, including any attorney.
3. "You" or "your" means Defendant, Humana.
4. "Document(s)" means all written, typed, or printed matter and all magnetic or other records or documentation of any kind or description (including, without limitation,

letters, correspondence, telegrams, memoranda, notes, records, minutes, contracts, agreements, records, or notations of telephone or personal conversations, conferences, inter-office communications, E-mail, microfilm, bulletins, circulars, pamphlets, photographs, facsimiles, invoices, tape recordings, computer printouts and work sheets, including drafts and copies not identical to the originals, all photographs and graphic matter, however produced or reproduced, and all compilations of data from which information can be obtained and any and all writings or recordings of any type or nature), in your actual possession, custody or control, including those in the possession, custody, or control of any and all present or former directors, officers, employees, consultants, accountants, attorneys, or other agents, whether or not prepared by you.

5. "File" means any collection or group of documents maintained, held, sorted, or used together, including, without limitation, all collections of documents maintained, held or stored in folders, notebooks, or other devices for separating or organizing documents.
6. "Communication" means any oral or written communication of which the Defendant has knowledge, information, or belief.
7. "Date" means the exact date, month, and year, if ascertainable, or if not, the best available approximation.
8. "Describe" or "identify," when referring to a person, means you must state the following:
 - a. The full name.
 - b. The present or last known residential address; & the present or last known office address and telephone numbers.
 - c. The present occupation, job title, employer, and employer's address at the time of the event or period referred to in each particular interrogatory.
 - d. In the case of any person other than an individual, identify the officer, employee, or agent most closely connected with the subject matter of the interrogatory, and the officer who is responsible for supervising that officer or employee.
9. "Describe" or "identify," when referring to a document, means you must state the following:
 - a. The nature (e.g., letter, handwritten note) of the document.
 - b. The title or heading that appears on the document.
 - c. The date of the document and the date of each addendum, supplement, or other addition or change.

- d. The identity of the author and of the singer of the document, and of the person on whose behalf or at whose request or direction the document was prepared or delivered.
 - e. The present location of the document, and the name, address, position or title, and telephone number of the person or persons having custody of the document.
- 10. The word "and" means "and/or."
 - 11. The word "or" means "or/and."
 - 12. The word "any" means "any and all."
 - 13. "Event" or "incident", unless otherwise indicated, means the event or incident made the basis of this lawsuit.
 - 14. "Time of incident" or "date of incident " or "incident date" means the date and time of the incident made the basis of this lawsuit, on or about February 18, 2020.
 - 15. "Including" means including but not limited to.
 - 16. "Possession" means possession, custody, or control, and includes not only actual physical possession, but also constructive possession as defined by the Texas Rules of Civil Procedure.
 - 17. "Subject Incident" refers to the incident which occurred February 18, 2020.
 - 18. "Relevant time" refers from 2011 - present.

Respectfully submitted,

RUIZ LAW FIRM, P.L.L.C.

118 W. Pecan

McAllen, Texas 78501

Telephone: (956) 259-8200

Telecopier: (956) 259-8203

/s/ Mauro F. Ruiz

Mauro F. Ruiz

State Bar No. 24007960

e-File ONLY: admin@mruizlaw.com

mruiz@mruizlaw.com

ATTORNEY FOR PLAINTIFF

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Produce the complete personnel files, including performance evaluations, disciplinary actions and payroll of the following persons:

Sandra Guerra, M.D.;
Matthew Stiner;
Persons Replacing Sandra Guerra, M.D.'s Job Duties (in whole or in part)
Brent Densford;
Robert Johnson;
Joseph "Joe" Kennedy;
Neil Mullany;
Eric Lisle;
Phil White;
Alan Wheatly;
All persons involved in the decision to terminate Plaintiff.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2:

Produce the complete investigation into Matthew Stiner's allegations concerning Plaintiff.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3:

Produce the complete investigation concerning allegations Neil Mullany overpaid providers.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4:

Produce the complete investigation concerning allegations Neil Mullany underpaid providers.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5:

Produce each complete investigation concerning allegations Eric Lisle sexually harassed females.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6:

Produce the complete investigation concerning allegations Phil White had poor work performance.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7:

Produce the complete investigation concerning allegations Alan Wheatly engaged in sexual harassment.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8:

Produce the complete investigation concerning allegations Alan Wheatly engaged improper relations with a subordinate.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9:

Produce correspondence between you and the Texas Workforce Commission Civil Rights Division relating to charge of discrimination filed by Plaintiff against you.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10:

Produce documents you relied on to justify any reprimand of Plaintiff.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11:

Produce documents you relied on to justify not placing Plaintiff on progressive discipline.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12:

Produce documents you relied on to justify the termination of Plaintiff.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13:

Produce trial exhibits. Tex. R. Civ. P. 192.5(c)(2) (Vernon 1999).

RESPONSE:

REQUEST FOR PRODUCTION NO. 14:

Written statements made by the Plaintiff in the possession, constructive possession, custody or control of Defendant or Defendant's attorney or anyone acting on Defendant's behalf.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15:

Oral statements made by Plaintiff which were either recorded or taped on an electronic device or recorder which are in the possession, constructive possession, custody or control of Defendant or Defendant's attorney or anyone acting on Defendant's behalf.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16:

Documents signed by Plaintiff in the possession, constructive possession, custody or control of Defendant or Defendant's attorney or anyone acting on Defendant's behalf.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17:

Written statements made by Matthew Stiner in the possession, constructive possession, custody or control of Defendant or Defendant's attorney or anyone acting on Defendant's behalf.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18:

Oral statements made by Matthew Stiner which were either recorded or taped on an electronic device or recorder which are in the possession, constructive possession, custody or control of Defendant or Defendant's attorney or anyone acting on Defendant's behalf.

RESPONSE:

REQUEST FOR PRODUCTION NO. 19:

Documents signed by Matthew Stiner in the possession, constructive possession, custody or control of Defendant or Defendant's attorney or anyone acting on Defendant's behalf.

RESPONSE:

REQUEST FOR PRODUCTION NO. 20:

Documents used to impeach Plaintiff in the possession, constructive possession, custody or control of Defendant or Defendant's attorney or anyone acting on Defendant's behalf.

RESPONSE:

REQUEST FOR PRODUCTION NO. 21:

Complete and fully audible duplicate audio tapes, video tapes, and electronic recordings of all statements given by or taken from the Plaintiff by the Defendant, or anyone acting on Defendant's behalf, including complete and legible transcripts.

RESPONSE:

REQUEST FOR PRODUCTION NO. 22:

Complete and fully audible duplicate audio tapes, video tapes, and electronic recordings of all statements given by or taken from Matthew Stiner by the Defendant, or anyone acting on Defendant's behalf, including complete and legible transcripts.

RESPONSE:

REQUEST FOR PRODUCTION NO. 23:

Claims, lawsuits, or requests to arbitrate filed by former employees of Defendant who allege Defendant violated Chapter 21 of the Texas Labor Code during the relevant time.

RESPONSE:

REQUEST FOR PRODUCTION NO. 24:

Claims, lawsuits, or requests to arbitrate filed by former employees of Defendant who allege Defendant violated Title VII during the relevant time.

RESPONSE:

REQUEST FOR PRODUCTION NO. 25:

Complete Arbitration Policy signed by Plaintiff.

RESPONSE:

REQUEST FOR PRODUCTION NO. 26:

Employee manuals reflecting policies, practices and protocols in effect from 2017 to present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 27:

Produce your EEO policy manual in effect on February 18, 2020.

RESPONSE:

REQUEST FOR PRODUCTION NO. 28:

Manuals identified by you in response to Interrogatory No. 5.

RESPONSE:

REQUEST FOR PRODUCTION NO. 29:

Manuals identified by you in response to Interrogatory No. 6.

RESPONSE:

REQUEST FOR PRODUCTION NO. 30:

For all job applicants seeking to fill Plaintiff's last position with Defendant, produce the applicants' job applications and supporting materials.

RESPONSE:

REQUEST FOR PRODUCTION NO. 31:

Produce Humana's progressive discipline policy in effect from February 2020 to present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 32:

Produce Plaintiff's job description at the time she was terminated in February 18, 2020.

RESPONSE:

END OF REQUESTS FOR PRODUCTION

INTERROGATORIES

INTERROGATORY NO. 1:

Identify all persons who assisted in answering the following interrogatories.

ANSWER:

INTERROGATORY NO. 2:

For each individual involved in the decision to terminate Plaintiff, please provide the following:

- a. Name;
- b. Title/Position;
- c. Work Address;
- d. Gender;
- e. National origin; and
- f. Color.

ANSWER:

INTERROGATORY NO. 3:

Explain the reason(s) Plaintiff was terminated/discharged.

ANSWER:

INTERROGATORY NO. 4:

Please state with reference to each job which the Plaintiff held while employed by the Defendant:

- a. The title and a description of each job;
- b. The dates worked;
- c. The monthly salary for each job;
- d. Yearly bonuses for each year;
- e. A description of the fringe benefits received for each job;
- f. Each supervisor's name, address, and title;
- g. A description of the duties of each job;
- h. A description of the requirements for each job; and
- i. Location(s).

ANSWER:

INTERROGATORY NO. 5:

Identify the person(s) who investigated Sandra Guerra, M.D., including dates of investigation and contact information for said persons.

ANSWER:

INTERROGATORY NO. 6:

Identify the person(s) who investigated Matthew Stiner, including dates of investigation and contact information for said persons.

ANSWER:

INTERROGATORY NO. 7:

Please identify the name of all manuals reflecting Defendant's employment practices used or maintained (during the relevant time period), including but not limited to manuals containing employee hiring, discharge, lay-off, excused and un-excused absences, termination, demotion, promotion, job assignment, incentives, progressive discipline, bonuses and pay scale policies.

ANSWER:

INTERROGATORY NO. 8:

For each reason articulated by Defendant in response to Interrogatory No. 3 justifying Plaintiff's termination, identify the policy violated by Plaintiff, providing the following information:

- a. Name of the manual(s);
- b. Chapter Title(s);
- c. Policy Name(s) and Section(s); and
- d. Page Number.

ANSWER:

INTERROGATORY NO. 9:

Identify the name, job title, job duties, age, last day of employment, salary on last day of employment, home address, and home telephone number of each person who has filed an sex, color, and/or national origin discrimination claim(s) or lawsuit against Defendant during the relevant time period.

ANSWER:

INTERROGATORY NO. 10:

Please identify each individual responsible for setting employment policies and practices, including but not limited to demotion policies, making termination decisions or processing termination applications and/or actions at any location owned or maintained by the Defendant, during February, 2020, and for each such individual, please state:

- a. Name and last known address;
- b. The individual's gender, color and national origin;
- c. The individual's job title and employment history with the defendant;
- d. The dates of the individual's employment with the defendant; and
- e. The individual's role in the demotion process.

ANSWER:

INTERROGATORY NO. 11:

Explain your progressive discipline policy in during on February 2020.

ANSWER:

INTERROGATORY NO. 12:

If you had a progressive discipline policy in effect on February 18, 2020, explain why Plaintiff did not qualify for progressive discipline, allowing Plaintiff to keep her job.

ANSWER:

INTERROGATORY NO. 13:

Identify the person(s) who investigated Neil Mullany, including dates of investigation and contact information for said persons.

ANSWER:

INTERROGATORY NO. 14:

Identify the person(s) who investigated Eric Lisel, including dates of investigation and contact information for said persons.

ANSWER:

INTERROGATORY NO. 15:

Identify the person(s) who investigated Phil White, including dates of investigation and contact information for said persons.

ANSWER:

INTERROGATORY NO. 16:

Identify the person(s) who investigated Alan Wheatly, including dates of investigation and contact information for said persons.

ANSWER:

INTERROGATORY NO. 17:

Explain Humana's investigation policies and procedures when sex harassment is alleged by an employee.

ANSWER:

INTERROGATORY NO. 18:

Explain Humana's investigation policies and procedures when overpayment is alleged by an employee.

ANSWER:

INTERROGATORY NO. 19:

Explain Humana's investigation policies and procedures when underpayment is alleged by an employee.

ANSWER:

INTERROGATORY NO. 20:

Explain Humana's investigation policies and procedures when poor work performance is alleged by an employee.

ANSWER:

INTERROGATORY NO. 21:

Explain Humana's investigation policies and procedures when relations with a subordinate is alleged by an employee.

ANSWER:

END OF INTERROGATORIES

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1:

Admit Defendant was Plaintiff's employer from October, 2012 to February 18, 2020.

RESPONSE:

REQUEST FOR ADMISSION NO. 2:

Admit Plaintiff was a full-time employee of Defendant in February 18, 2020.

RESPONSE:

REQUEST FOR ADMISSION NO. 3:

Admit Plaintiff timely filed her charge of discrimination.

RESPONSE:

REQUEST FOR ADMISSION NO. 4:

Admit Plaintiff exhausted her administrative remedies.

RESPONSE:

REQUEST FOR ADMISSION NO. 5:

Admit the Judicial District Courts of Bexar County have subject matter jurisdiction over this matter.

RESPONSE:

REQUEST FOR ADMISSION NO. 6:

Admit Plaintiff's termination occurred in Bexar County, Texas.

RESPONSE:

REQUEST FOR ADMISSION NO. 7:

Admit proper venue for this action lies in Bexar County, Texas.

RESPONSE:

REQUEST FOR ADMISSION NO. 8:

Admit Plaintiff is of Mexican descent.

RESPONSE:

REQUEST FOR ADMISSION NO. 9:

Admit Plaintiff is brown.

RESPONSE:

REQUEST FOR ADMISSION NO. 10:

Admit Plaintiff is female.

RESPONSE:

REQUEST FOR ADMISSION NO. 11:

Admit Plaintiff was terminated on February 18, 2020.

RESPONSE:

REQUEST FOR ADMISSION NO. 12:

Admit Brent Densford is a Senior VP with Humana.

RESPONSE:

REQUEST FOR ADMISSION NO. 13:

Admit Brent Densford is white.

RESPONSE:

REQUEST FOR ADMISSION NO. 14:

Admit Plaintiff was terminated by a white male.

RESPONSE:

REQUEST FOR ADMISSION NO. 15:

Admit Plaintiff was terminated by Brent Densford.

RESPONSE:

REQUEST FOR ADMISSION NO. 16:

Admit Plaintiff was terminated for a false reason.

RESPONSE:

REQUEST FOR ADMISSION NO. 17:

Admit Plaintiff was falsely accused of harassment.

RESPONSE:

REQUEST FOR ADMISSION NO. 18:

Admit Plaintiff disciplined Matthew Stiner three (3) days before Matthew Stiner complained of Plaintiff.

RESPONSE:

REQUEST FOR ADMISSION NO. 19:

Admit Matthew Stiner complained about Plaintiff within a week after Plaintiff disciplined Matthew Stiner.

RESPONSE:

REQUEST FOR ADMISSION NO. 20:

Admit Plaintiff was the only Hispanic female vice president employed by Defendant.

RESPONSE:

REQUEST FOR ADMISSION NO. 21:

Admit Plaintiff was the only female vice president of Mexican descent employed by Defendant in February 2020.

RESPONSE:

REQUEST FOR ADMISSION NO. 22:

Admit Plaintiff had zero write-ups in January 2020.

RESPONSE:

REQUEST FOR ADMISSION NO. 23:

Admit Plaintiff had zero write-ups on February 1, 2020.

RESPONSE:

REQUEST FOR ADMISSION NO. 24:

Admit Defendant had a progressive discipline policy in effect in February 2020.

RESPONSE:

REQUEST FOR ADMISSION NO. 25:

Admit it is a violation of the Humana policy to not provide/extend progressive discipline to an employee.

RESPONSE:

REQUEST FOR ADMISSION NO. 26:

Admit a thorough investigation was **not** performed into Matthew Stiner's allegations concerning Plaintiff.

RESPONSE:

REQUEST FOR ADMISSION NO. 27:

Admit a White Anglo male associate made stereotypical comments about women and Hispanics.

RESPONSE:

REQUEST FOR ADMISSION NO. 28:

Admit above said White Anglo male was not investigated or terminated.

RESPONSE:

REQUEST FOR ADMISSION NO. 29:

Admit Plaintiff was replaced by Dr. Robert Johnson, a white male.

RESPONSE:

REQUEST FOR ADMISSION NO. 30:

Admit Plaintiff was replaced by Joseph "Joe" Kennedy, a white Anglo male.

RESPONSE:

REQUEST FOR ADMISSION NO. 31:

Admit Dr. Robert Johnson was assigned one-half of Plaintiff's job duties/position.

RESPONSE:

REQUEST FOR ADMISSION NO. 32:

Admit Joseph "Joe" Kennedy was assigned one-half of Plaintiff's job duties/position.

RESPONSE:

REQUEST FOR ADMISSION NO. 33:

Admit Neil Mullany is the Vice President/Chief Operating Officer for Humana Military.

RESPONSE:

REQUEST FOR ADMISSION NO. 34:

Admit Neil Mullany over paid providers.

RESPONSE:

REQUEST FOR ADMISSION NO. 35:

Admit Neil Mullany under paid providers.

RESPONSE:

REQUEST FOR ADMISSION NO. 36:

Admit Humana was penalized in the millions of dollars.

RESPONSE:

REQUEST FOR ADMISSION NO. 37:

Admit Neil Mullany did not suffer any adverse employment action.

RESPONSE:

REQUEST FOR ADMISSION NO. 38:

Admit Mullany's team over charged insureds' bank accounts for medical premiums because of clerical errors, causing overdrafts and other disruptions to insureds.

RESPONSE:

REQUEST FOR ADMISSION NO. 39:

Admit Eric Lisle is the Vice President of Humana.

RESPONSE:

REQUEST FOR ADMISSION NO. 40:

Admit Eric Lisle sexually harassed females.

RESPONSE:

REQUEST FOR ADMISSION NO. 41:

Admit Eric Lisle was given the option to voluntarily separate rather than face an adverse personnel action.

RESPONSE:

REQUEST FOR ADMISSION NO. 42:

Admit Phil White is the Chief Information Officer for Humana.

RESPONSE:

REQUEST FOR ADMISSION NO. 43:

Admit Phil White was laterally transferred despite poor work performance.

RESPONSE:

REQUEST FOR ADMISSION NO. 44:

Admit Phil White did not suffer an adverse personnel action.

RESPONSE:

REQUEST FOR ADMISSION NO. 45:

Admit Alan Wheatly is Senior Vice President of Humana.

RESPONSE:

REQUEST FOR ADMISSION NO. 46:

Admit Alan Wheatly engaged in sexual harassment/relations with a subordinate and was later beaten up by the women's husband in front of Humana tower in Louisville, Kentucky.

RESPONSE:

REQUEST FOR ADMISSION NO. 47:

Admit Alan Wheatly suffered no adverse personnel action.

RESPONSE:

REQUEST FOR ADMISSION NO. 48:

Admit Alan Wheatly was promoted.

RESPONSE:

END OF REQUESTS FOR ADMISSION

REQUESTS FOR INITIAL DISCLOSURES

Plaintiff requests that Defendant respond to initial disclosures.

2021CI16813

FILED
8/18/2021 10:57 AM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Martha Medellin
Bexar County - 150th District Court



Cause Number: _____

District Court : _____

MARY ANGIE GARCIA
Bexar County District Clerk

2 CIT PP

Request for Process

Style: Sandra Guerra **Vs.** Humana and Humana Government Business, Inc. d/b/a Humana

Request the following process: (Please check all that Apply)

☒ Citation ☐ Notice ☐ Temporary Restraining Order ☐ Notice of Application for Protective Order
☐ Temporary Protective Order ☐ Precept with hearing ☐ Precept without a hearing ☐ Writ of Attachment
☐ Writ of Habeas Corpus ☐ Writ of Garnishment ☐ Writ of Sequestration ☐ Capias ☐ Other: _____

1.

Name: HumanaRegistered Agent/By Serving: Jennifer Starr, Humana Government Business, Inc.Address 500 W. Main Street, Louisville, KY 40202

Service Type: (Check One) ☒ Private Process ☐ Sheriff ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Beat ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable Pct _____
(Pct. 3 serves process countywide)

2.

Name: Humana Government Business, Inc. d/b/a HumanaRegistered Agent/By Serving: Corporation Service CompanyAddress 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218

Service Type: (Check One) ☒ Private Process ☐ Sheriff ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Beat ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable Pct _____
(Pct. 3 serves process countywide)

3.

Name: _____

Registered Agent/By Serving: _____

Address _____

Service Type: (Check One) ☐ Private Process ☐ Sheriff ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Beat ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable Pct _____
(Pct. 3 serves process countywide)

4.

Name: _____

Registered Agent/By Serving: _____

Address _____

Service Type: (Check One) ☐ Private Process ☐ Sheriff ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Beat ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable Pct _____
(Pct. 3 serves process countywide)

Title of Document/Pleading to be Attached to Process: _____

Name of Attorney/Pro se: Mauro F. RuizBar Number: 24007960Address: 118 W. Pecan Blvd.Phone Number: 956-259-8200McAllen, Texas 78501Attorney for Plaintiff ☒ Defendant _____ Other _____

IF SERVICE IS NOT PICKED UP WITHIN 14 BUSINESS DAYS, SERVICE WILL BE DESTROYED

rec-index-6

From: Danner, Patrick <PDanner@express-news.net>
Sent: Tuesday, September 7, 2021 9:28 AM
To: rec-index-6
Subject: request

NOTICE:

This email originated from an EXTERNAL email address outside of bexar.org. Please use caution when clicking links or opening attachments from email senders that you do not know.
If you feel it is suspicious, please send this email as an attachment to BCERT@bexar.org

Hi, Ms. Baskette.

Can you please send me Exhibits A, B and C attached to the original petition in Case No. 2021CI16813, Sandra Guerra v. Humana? I already have the original petition so I just need the exhibits.

Thank you.

Regards,
Patrick Danner

Patrick Danner
Business writer
San Antonio Express-News
p: 210.250.3311 f: 210.250.3232
pdanner@express-news.net
@AlamoPD

San Antonio Express-News

ExpressNews.com | mySA.com

[iPad® iPhone® App](#) | playSA.com



FILED
DISTRICT CLERK
BEXAR CO. TEXAS
21 SEP - 7 AM 10:02
DEPUTY
BY *W. Baskette*